

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOEL BENADERET,

Plaintiff,

v.

Case No. 17-cv-844-pp

NANCY BERRYHILL,

Defendant.

ORDER GRANTING DEFENDANT’S MOTION FOR REMAND (DKT. NO. 16)

On February 5, 2018, the defendant filed a motion to remand this Social Security appeal to the administrative law judge under sentence four of 42 U.S.C. §405(g), based on errors in the administrative record. Dkt. No. 16. A sentence four remand (as opposed to sentence six) is based on a finding of error, and is a final, appealable order. In the motion, the defendant explains that she has independently reviewed the administrative record, and admits that there is a need “to reevaluate the medical opinion and other source opinion evidence, reassess Plaintiff’s residual functional capacity, and reassess his substance-abuse disorder.” *Id.* at 1. The plaintiff has not responded to the motion, although his father has filed the plaintiff’s opening brief.¹ Based on the

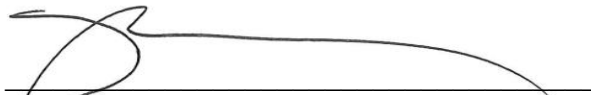
¹¹ The plaintiff’s father is not a party, and it is unclear whether he is an attorney. Section 1654 provides that the parties may “plead and conduct their own cases personally or by counsel,” 28 U.S.C. §1654, and Rule 11 requires that every motion be signed by an attorney or a party who is representing himself. *But see Elustra v. Mineo*, 595 F.3d 699, 705 (7th Cir. 2010) (acknowledging that other circuits have recognized a few exceptions to the

errors identified by the defendant, the court agrees that the administrative record supports a sentence four remand.

The court **GRANTS** the defendant's motion for remand under sentence four of section 405(g) of the Social Security Act. Dkt. No. 16. The court **REVERSES AND REMANDS** the final decision of the Commissioner of Social Security for rehearing and a reconsideration of the evidence.

Dated in Milwaukee, Wisconsin this 30th day of April, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge

general rule that a person may only appear *pro se* or through counsel, such as parents bringing claims on behalf of their children in an effort to secure Social Security benefits).